

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

MEDICAL CARD SYSTEM, INC., ET
AL.,

Plaintiffs,

v.

EQUIAN, LLC, ET AL.,

Defendants.

CIVIL No. 16-1228 (GAG/BJM)

MOTION TO STAY MOTION PRACTICE AND DEADLINES

To The Honorable Court:

The plaintiffs and Star Healthcare Network Inc. (collectively, the “moving parties”) respectfully move, under this Honorable Court’s inherent power to manage its affairs, to stay all motion practice and deadlines for 30 days or until the Initial Scheduling Conference.

Some background sets the stage. As intimated by the plaintiff’s informative motion, *see* ECF No. 79, the parties have been discussing the possibility of early mediation or settlement. Specifically, the plaintiffs, Equian, and Star Healthcare have agreed to meet in person before August to discuss the feasibility of making a global settlement offer to DaVita. *See also* ECF No. 80 at 1 (ordering the parties to meet “in person” for a “planning and settlement conference”) (caps and bold omitted); *id.* at 2 (ordering the Magistrate Judge to first tackle “the issue of settlement” at the Initial Scheduling Conference).

But discussing settlement while having to skirmish over procedural and discovery disputes—as provided by the status quo—conflicts with the “just, speedy, and inexpensive determination of [this] action” Fed. R. Civ. P. 1. That is why a brief détente of *all motion practice and deadlines*—including those to oppose any pending motions or pleadings—would allow the moving parties to focus their energy (and their resources) on discussing settlement at the negotiating table of all claims that the moving parties may have between them. The proposed stay, to be sure, would neither affect nor nullify “the deadlines and directives set forth,” ECF No. 80 at 3 (bold omitted), by this Honorable Court.

By like token, a stay would best serve this Honorable Court’s judicial resources, because it would prevent the filing of potentially unnecessary discovery motions. And even if the settlement efforts fail, the stay would nonetheless allow the Magistrate Judge to establish a schedule for the orderly litigation of all present and future discovery disputes. *See New Balance Athletic Shoe, Inc. v. Converse, Inc.*, No. 14-14715, 2015 WL 685070, at *2 (D. Mass. Feb. 18, 2015) (noting that a stay is warranted if “it would conserve party and judicial resources”)

As noted above, this Honorable Court has the inherent power to stay an action. *E.g.*, *Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936) (Cardozo, J.); *Water Quality Prot. Coal. v. Municipality of Arecibo*, 858 F. Supp. 2d 203, 212 (D.P.R. 2012). The requested stay’s duration, moreover, is reasonable, not least because it is neither indefinite nor uncertain. *See Shire City Herbals, Inc. v. Blue*, No. 15-CV-30069-MGM, 2015 WL 5437091, at *2 (D. Mass. Sept. 15, 2015).

For the reasons stated, the moving parties respectfully request that this Honorable Court grant this motion and thus stay all motion practice and deadlines for 30 days or until the Initial Scheduling Conference.

Dated: July 18, 2016

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that, on this day, the foregoing was electronically filed with the Clerk of Court by using the CM/ECF system, which will send a notice of electronic filing to all counsel of record.

By: /s/ Arturo V. Bauermeister